Charles Goldsmith, "Cape Cod Nude Sunbathing Case Withdrawn," *United Press International*, November 21, 1988, https://www.upi.com/amp/Archives/1988/11/21/Cape-Cod-nude-sunbathing-case-withdrawn/9090596091600.

BOSTON—An appeal of rules requiring women to wear shirts or bathing-suit tops on the Cape Cod National Seashore was withdrawn due to a bitter dispute between two nudist activists, it was announced Monday.

A lawsuit challenging the National Park Service's "no-topless" rules for women was dismissed in April by U.S. District Judge Douglas Woodlock, and the plaintiffs appealed to the 1st U.S. Circuit Court of Appeals.

The appeal was withdrawn, however, on Oct. 4, just days before oral arguments were scheduled, and the court ordered the appeal dismissed.

The lawsuit was initially filed in December 1986 against U.S. Interior Secretary Donald Hodel as a class-action suit on behalf of 11 plaintiffs, including well-known activist Nikki Craft, who has been arrested several times for nude sunbathing on the cape.

Withdrawal of the appeal stemmed from a dispute between Craft and her former live-in companion, Lee Baxandall, owner of The Naturist Society Inc. of Oshkosh, Wis. The couple separated and Craft, 38, who formerly worked for the society, moved to East Lansing, Mich., last summer, she said.

"The entire appeal was withdrawn," said Boston lawyer Jeffrey Denner, representing Craft and the other plaintiffs.

Craft said the dispute was philosophical, relating to women's rights and a conflict between "feminist and naturist values."

But Baxandall said "it is really only a personal dispute" between him and Craft, adding, "Nikki Craft's engineering of the end of this appeal is a defeat for all women as well as all naturists."

Craft said the appeal was withdrawn because The Naturist Society argued the Cape Cod case involved the First Amendment issue of free expression, while her

followers feel it is an equal-protection case: the right of women as well as men to sunbathe on the cape's pristine beaches with their torsos exposed.

"We think it's very clear that what's going on at the National Seashore is a violation of gender equality," said Craft, whose followers have formed an offshoot group called NOPE—Naturists and Nudists Opposing Pornographic Exploitation.

Differences of opinions over a Massachusetts case now before the U.S. Supreme Court fueled the dispute between Craft and Baxandall, also leading to withdrawal of the Cape Cod appeal. State law makes it a crime to photograph a child under 18 in the nude.

Douglas Oakes was convicted under the law for taking photographs of his stepdaughter, then 14, with her breasts partially exposed, but the Massachusetts Supreme Judicial Court found the law unconstitutionally overbroad.

Oral arguments before the nation's highest court are slated for Jan. 17.

Craft, in a statement, said she agrees the law is too broad, but that Oakes's conduct constitutes the exploitation and degradation of a child "rather than the exercise of free speech."

"The Oakes case is not primarily about nudism and naturism, but rather First Amendment protection for men's access to and power over women and children," she said. "It will ultimately benefit the exploiters of women and children more than nudists."

Baxandall, however, maintained the case involved freedom of expression. He said Craft "has reduced the case to the issue of whether Mr. Oakes should go to jail. She feels he is a sleazy person and he should. We feel Supreme Court review of the Massachusetts decision is a test of a concept in law."